

## Fiscal Estimate - 2009 Session

☒ Original
 ☐ Updated
 ☐ Corrected
 ☐ Supplemental

|   |   |
|---|---|
| <b>LRB Number</b> <b>09-2011/1</b>  | <b>Introduction Number</b> <b>SB-341</b>  |
| <b>Description</b><br>Reckless bodily harm to a child and providing a penalty   |   |
| <b>Fiscal Effect</b><br><br><b>State:</b><br><div style="display: flex; justify-content: space-between;"> <div style="width: 30%;"> <input type="checkbox"/> No State Fiscal Effect<br/> <input checked="" type="checkbox"/> Indeterminate<br/>                     <input type="checkbox"/> Increase Existing Appropriations<br/>                     <input type="checkbox"/> Decrease Existing Appropriations<br/>                     <input type="checkbox"/> Create New Appropriations                 </div> <div style="width: 30%;"> <input type="checkbox"/> Increase Existing Revenues<br/> <input type="checkbox"/> Decrease Existing Revenues                 </div> <div style="width: 35%;"> <input type="checkbox"/> Increase Costs - May be possible to absorb within agency's budget<br/>                     <input type="checkbox"/> Yes                      <input type="checkbox"/> No<br/> <input type="checkbox"/> Decrease Costs                 </div> </div><br><b>Local:</b><br><div style="display: flex; justify-content: space-between;"> <div style="width: 60%;"> <input type="checkbox"/> No Local Government Costs<br/> <input checked="" type="checkbox"/> Indeterminate<br/> <div style="display: flex; justify-content: space-between;"> <div style="width: 45%;">                     1. <input type="checkbox"/> Increase Costs<br/>                         <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory<br/>                     2. <input type="checkbox"/> Decrease Costs<br/>                         <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory                 </div> <div style="width: 45%;">                     3. <input type="checkbox"/> Increase Revenue<br/>                         <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory<br/>                     4. <input type="checkbox"/> Decrease Revenue<br/>                         <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory                 </div> </div> </div> <div style="width: 35%;"> <b>5. Types of Local Government Units Affected</b><br/> <input type="checkbox"/> Towns      <input type="checkbox"/> Village      <input type="checkbox"/> Cities<br/> <input type="checkbox"/> Counties    <input type="checkbox"/> Others<br/> <input type="checkbox"/> School Districts    <input type="checkbox"/> WTCS Districts                 </div> </div> |   |
| <b>Fund Sources Affected</b> <b>Affected Ch. 20 Appropriations</b><br><input type="checkbox"/> GPR <input type="checkbox"/> FED <input type="checkbox"/> PRO <input type="checkbox"/> PRS <input type="checkbox"/> SEG <input type="checkbox"/> SEGS  |   |
| <b>Agency/Prepared By</b><br>DA/ Phil Werner (608) 267-2700   | <div style="display: flex; justify-content: space-between;"> <div style="width: 65%;"> <b>Authorized Signature</b><br/>                     Phil Werner (608) 267-2700                 </div> <div style="width: 30%;"> <b>Date</b><br/>                     10/19/2009                 </div> </div> |

## **Fiscal Estimate Narratives**

**DA 10/19/2009**

|   |                                   |                               |
|---|-----------------------------------|-------------------------------|
| <b>LRB Number</b> 09-2011/1   | <b>Introduction Number</b> SB-341 | <b>Estimate Type</b> Original |
| <b>Description</b><br>Reckless bodily harm to a child and providing a penalty |                                   |                               |

### **Assumptions Used in Arriving at Fiscal Estimate**

Should this bill be enacted, prosecutors anticipate a minor fiscal impact on their offices due to the increased penalties.

### **Long-Range Fiscal Implications**

Prosecutors anticipate a minor long-term fiscal impact on their offices as a result of increased penalties associated with the bill.

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| <b>LRB Number</b> <b>09-2011/1</b>   | <b>Introduction Number</b> <b>SB-341</b>                           |                               |
| <b>Description</b><br>Reckless bodily harm to a child and providing a penalty  |  |                               |
| <b>Fiscal Effect</b><br><br><b>State:</b><br><div style="display: flex; flex-wrap: wrap;"> <div style="width: 33%;"> <input type="checkbox"/> No State Fiscal Effect<br/> <input checked="" type="checkbox"/> Indeterminate<br/>                     <input type="checkbox"/> Increase Existing Appropriations<br/>                     <input type="checkbox"/> Decrease Existing Appropriations<br/>                     <input type="checkbox"/> Create New Appropriations                 </div> <div style="width: 33%;"> <input type="checkbox"/> Increase Existing Revenues<br/> <input type="checkbox"/> Decrease Existing Revenues                 </div> <div style="width: 33%;"> <input checked="" type="checkbox"/> Increase Costs - May be possible to absorb within agency's budget<br/>                     <input type="checkbox"/> Yes                      <input checked="" type="checkbox"/> No<br/> <input type="checkbox"/> Decrease Costs                 </div> </div><br><b>Local:</b><br><div style="display: flex; flex-wrap: wrap;"> <div style="width: 33%;"> <input checked="" type="checkbox"/> No Local Government Costs<br/> <input type="checkbox"/> Indeterminate<br/>                     1. <input type="checkbox"/> Increase Costs                      3. <input type="checkbox"/> Increase Revenue<br/>                     <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory                      <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory<br/>                     2. <input type="checkbox"/> Decrease Costs                      4. <input type="checkbox"/> Decrease Revenue<br/>                     <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory                      <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory                 </div> <div style="width: 33%;"> <b>5. Types of Local Government Units Affected</b><br/> <div style="display: flex; flex-wrap: wrap;"> <div style="width: 33%;"> <input type="checkbox"/> Towns<br/> <input type="checkbox"/> Counties<br/> <input type="checkbox"/> School Districts                         </div> <div style="width: 33%;"> <input type="checkbox"/> Village<br/> <input type="checkbox"/> Others<br/> <input type="checkbox"/> WTCS Districts                         </div> <div style="width: 33%;"> <input type="checkbox"/> Cities                         </div> </div> </div> </div> |  |                               |
| <b>Fund Sources Affected</b> <b>Affected Ch. 20 Appropriations</b><br><div style="display: flex; justify-content: space-between;"> <div> <input type="checkbox"/> GPR   <input type="checkbox"/> FED   <input type="checkbox"/> PRO   <input type="checkbox"/> PRS   <input type="checkbox"/> SEG   <input type="checkbox"/> SEGS                 </div> </div>  |  |                               |
| <b>Agency/Prepared By</b><br><br>DOC/ Dawn Woeshnick (608) 240-5417  | <b>Authorized Signature</b><br><br>Robert Margolies (608) 240-5056 | <b>Date</b><br><br>10/20/2009 |

**Fiscal Estimate Narratives**  
**DOC 10/20/2009**

|   |                  |                     |               |               |                 |
|---|------------------|---------------------|---------------|---------------|-----------------|
| LRB Number  | <b>09-2011/1</b> | Introduction Number | <b>SB-341</b> | Estimate Type | <b>Original</b> |
| <b>Description</b><br>Reckless bodily harm to a child and providing a penalty |                  |                     |               |               |                 |

**Assumptions Used in Arriving at Fiscal Estimate**

Under current law a person convicted of causing great bodily harm to a child under s.948.03(3)(a) is guilty of a Class G felony (maximum of 5 years confinement and 5 years extended supervision).

This bill would change the penalty to a Class E felony (maximum of 10 years confinement and 5 years extended supervision).

In FY08, the Department of Corrections admitted 9 inmates to prison who had been convicted under s.948.03(3)(a). The fiscal impact of this bill is dependent on whether an offender would serve a longer term of confinement under this bill than he or she would have under existing criminal penalties.

The average FY09 annual cost for an inmate in a DOC institution is approximately \$31,800. However, when there is excess capacity in DOC facilities, the incremental costs (i.e. food, health care and clothing) of housing a small number of inmates is approximately \$4,900, based on FY09 costs. When there is no excess capacity in DOC facilities, as is currently the case, the Department uses contract beds at a rate of \$18,800 annually per person.

**Long-Range Fiscal Implications**

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| <b>Description</b><br>Reckless bodily harm to a child and providing a penalty  |  |  |             |
| <b>Fiscal Effect</b>   |  |  |             |
| <b>State:</b>  |  |  |             |
| <input checked="" type="checkbox"/> No State Fiscal Effect   |  |  |             |
| <input type="checkbox"/> Indeterminate   |  |  |             |
| <input type="checkbox"/> Increase Existing Appropriations  |  | <input type="checkbox"/> Increase Existing Revenues  |             |
| <input type="checkbox"/> Decrease Existing Appropriations  |  | <input type="checkbox"/> Decrease Existing Revenues  |             |
| <input type="checkbox"/> Create New Appropriations   |  | <input type="checkbox"/> Increase Costs - May be possible to absorb within agency's budget<br><div style="display: flex; justify-content: space-around;"><input type="checkbox"/> Yes      <input type="checkbox"/> No</div> |             |
|  |  | <input type="checkbox"/> Decrease Costs  |             |
| <b>Local:</b>  |  |  |             |
| <input type="checkbox"/> No Local Government Costs   |  |  |             |
| <input checked="" type="checkbox"/> Indeterminate  |  |  |             |
| 1. <input type="checkbox"/> Increase Costs   |  | 3. <input type="checkbox"/> Increase Revenue   |             |
| <div style="display: flex;"><input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory</div>   |  | <div style="display: flex;"><input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory</div>   |             |
| 2. <input type="checkbox"/> Decrease Costs   |  | 4. <input type="checkbox"/> Decrease Revenue   |             |
| <div style="display: flex;"><input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory</div>   |  | <div style="display: flex;"><input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory</div>   |             |
| <b>5. Types of Local Government Units Affected</b>   |  |  |             |
| <input type="checkbox"/> Towns   |  | <input type="checkbox"/> Village <input type="checkbox"/> Cities   |             |
| <input type="checkbox"/> Counties  |  | <input type="checkbox"/> Others  |             |
| <input type="checkbox"/> School Districts  |  | <input type="checkbox"/> WTCS Districts  |             |
| <b>Fund Sources Affected</b>   |  | <b>Affected Ch. 20 Appropriations</b>  |             |
| <input type="checkbox"/> GPR <input type="checkbox"/> FED <input type="checkbox"/> PRO <input type="checkbox"/> PRS <input type="checkbox"/> SEG <input type="checkbox"/> SEGS |  |  |             |
| <b>Agency/Prepared By</b>  |  | <b>Authorized Signature</b>  | <b>Date</b> |
| DOJ/ Mark Rinehart (608) 264-9463  |  | Mark Rinehart (608) 264-9463   | 1/29/2010   |

## Fiscal Estimate Narratives

DOJ 1/29/2010

|   |           |                     |        |               |          |
|---|-----------|---------------------|--------|---------------|----------|
| LRB Number  | 09-2011/1 | Introduction Number | SB-341 | Estimate Type | Original |
| <b>Description</b><br>Reckless bodily harm to a child and providing a penalty |           |                     |        |               |          |

### Assumptions Used in Arriving at Fiscal Estimate

The Department of Justice does not anticipate a fiscal impact due to the enactment of 2009 Senate Bill 341.

### Long-Range Fiscal Implications

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|--|--|---|---------------------------|
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| <b>Description</b><br>Reckless bodily harm to a child and providing a penalty  |  |   |                           |
| <b>Fiscal Effect</b><br><br><b>State:</b> <div style="display: flex; flex-wrap: wrap;"> <div style="width: 33%;"> <input type="checkbox"/> No State Fiscal Effect<br/> <input type="checkbox"/> Indeterminate<br/>                     <input type="checkbox"/> Increase Existing Appropriations<br/>                     <input type="checkbox"/> Decrease Existing Appropriations<br/>                     <input type="checkbox"/> Create New Appropriations                 </div> <div style="width: 33%;"> <input type="checkbox"/> Increase Existing Revenues<br/> <input type="checkbox"/> Decrease Existing Revenues                 </div> <div style="width: 33%;"> <input checked="" type="checkbox"/> Increase Costs - May be possible to absorb within agency's budget<br/>                     <input type="checkbox"/> Yes                      <input checked="" type="checkbox"/> No<br/> <input type="checkbox"/> Decrease Costs                 </div> </div><br><b>Local:</b> <div style="display: flex; flex-wrap: wrap;"> <div style="width: 33%;"> <input type="checkbox"/> No Local Government Costs<br/> <input type="checkbox"/> Indeterminate<br/>                     1. <input checked="" type="checkbox"/> Increase Costs                      3. <input type="checkbox"/> Increase Revenue<br/>                         <input type="checkbox"/> Permissive <input checked="" type="checkbox"/> Mandatory                      <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory<br/>                     2. <input type="checkbox"/> Decrease Costs                      4. <input type="checkbox"/> Decrease Revenue<br/>                         <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory                      <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory                 </div> <div style="width: 33%;">                     5. Types of Local Government Units Affected<br/> <input type="checkbox"/> Towns                      <input type="checkbox"/> Village                      <input type="checkbox"/> Cities<br/> <input checked="" type="checkbox"/> Counties                      <input type="checkbox"/> Others<br/> <input type="checkbox"/> School Districts                      <input type="checkbox"/> WTCS Districts                 </div> </div> |  |   |                           |
| <b>Fund Sources Affected</b> <b>Affected Ch. 20 Appropriations</b><br><input checked="" type="checkbox"/> GPR <input type="checkbox"/> FED <input type="checkbox"/> PRO <input type="checkbox"/> PRS <input type="checkbox"/> SEG <input type="checkbox"/> SEGS  |  |   |                           |
| <b>Agency/Prepared By</b><br>SPD/ Mike Tobin (608) 266-8259  | <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 70%; padding: 5px;"> <b>Authorized Signature</b><br/>                     Krista Ginger (608) 264-8572                 </td> <td style="width: 30%; padding: 5px;"> <b>Date</b><br/>                     10/15/2009                 </td> </tr> </table> | <b>Authorized Signature</b><br>Krista Ginger (608) 264-8572 | <b>Date</b><br>10/15/2009 |
| <b>Authorized Signature</b><br>Krista Ginger (608) 264-8572  | <b>Date</b><br>10/15/2009  |   |                           |

## Fiscal Estimate Narratives

SPD 10/15/2009

|   |           |                     |        |               |          |
|---|-----------|---------------------|--------|---------------|----------|
| LRB Number  | 09-2011/1 | Introduction Number | SB-341 | Estimate Type | Original |
| <b>Description</b><br>Reckless bodily harm to a child and providing a penalty |           |                     |        |               |          |

### Assumptions Used in Arriving at Fiscal Estimate

The State Public Defender (SPD) is statutorily authorized and required to appoint attorneys to represent indigent defendants in criminal proceedings. The SPD plays a major role in ensuring that the Wisconsin justice system complies with the right to counsel provided by both the state and federal constitutions. Any legislation has the potential to increase SPD costs if it creates a new criminal offense, expands the definition of an existing criminal offense, or increases the penalties for an existing offense.

This bill increases the penalties for the criminal offense of recklessly causing great bodily harm to a child. This offense is presently classified as a Class G felony, and the bill would reclassify it as a Class E felony. The SPD's average cost per felony appointed to private bar attorneys was \$584.62 for fiscal year 2009. In general, the higher the possible penalties are for a particular charge, the more attorney time is required to provide representation. However, the SPD does not have data to differentiate between the average costs for Class G and Class E felonies.

Because longer periods of probation or prison could be ordered upon conviction if the felony classification is increased, this change would indirectly lead to additional cases in which the Department of Corrections (DOC) would seek to revoke probation or extended supervision. The SPD provides representation in proceedings commenced by the Department of Corrections (DOC) to revoke supervision. Thus, the bill would indirectly increase the number of cases in which the SPD appoints attorneys in revocation proceedings. The average cost during fiscal year 2009 for SPD representation by a private bar attorney in a revocation proceeding was \$382.18.

Therefore, the SPD would likely incur additional costs attributable to the increased penalties under this bill. Because of the annual caseloads for staff attorney positions specified for budgeting purposes under § 977.08(5), Stats., it would be more cost effective to add staff attorney positions if a significant number of SPD cases resulted from this provision of the bill.

Counties are also subject to increased costs when a new crime is created. There are some defendants who, despite exceeding the SPD's statutory financial guidelines, are constitutionally eligible for appointment of counsel because it would be a substantial hardship for them to retain an attorney. The court is required to appoint counsel at county expense for these defendants. Thus, the counties would experience increased costs attributable to the higher classification of criminal charges resulting from this bill.

### Long-Range Fiscal Implications